

REMARKS

Reconsideration of the application in light of the amendments and the following remarks is respectfully requested.

Status of the Claims

Claims 1, 2, 4-6, 8, 10, 11, 13-15 and 17 are pending. Claims 1, 2, 4-6, 8, 10, 11, 13 and 17 have been amended. Claim 18 has been added. No new matter has been added. Claim 9 has been cancelled without prejudice or disclaimer of the subject matter recited therein.

Claims 4, 13, and 17 have been amended to clarify the scene change interval.

Support for claim 18 can be found at page 23, lines 1-12 of the specification.

Allowable Subject Matter

Applicants appreciatively acknowledge the Examiner's indication of allowable subject matter in claims 1, 2, 5, 6, 10, 11, 14 and 15.

Rejection Under 35 U.S.C. § 103

Claims 4, 8-9, 13 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,642,239 to Nagai (“Nagai”) in view of U.S. Patent No. 6,055,025 to Shahraray (“Shahraray”). Claim 9 has been cancelled, thus rendering the rejection moot with respect to claim 9.


The Examiner contends that Nagai discloses most of the features of claim 4. However, the Examiner acknowledges that Nagai does not recite the “particular interval.” The Examiner contends that Shahraray discloses “scene intervals and transition intervals.”

Applicants respectfully submit that the “scene intervals and transition intervals” disclosed in Shahraray neither disclose nor suggest the “predefined interval” recited in amended claims 4, 13 and 17. Shahraray discloses intervals that are defined by the state transitions of the machine that occur when the IM signal crosses one of two thresholds. (Shahraray, column 8, lines 23-30.) Thus, Shahraray defines intervals having an interval length that does not match a pre-defined interval length. In contrast, amended claims 4, 13 and 17 recite an interval defined by “a pair of scene changes having an interval length equal to a predefined interval length.” Thus, the present invention can detect a particular scene of a moving-picture, such as a commercial break, by detecting the pair of scene changes having an interval length equal to a predefined interval length. Even if a commercial break has a plurality of pairs of scene changes having a variety of interval lengths, the apparatus in the present invention can precisely detect the commercial break. Therefore, the combination of Nagai and Shahraray does not disclose or suggest the use of pre-defined interval length to identify a pair of scene changes as recited in amended claims 4, 13 and 17.

Therefore, Applicants respectfully submit that the Examiner has not met the burden of establishing a *prima facie* case of obviousness over claims 4, 8, 13 and 17. Withdrawal and reconsideration of the rejection is requested.

Each and every point raised in the Office Action dated August 4, 2005 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.


Richard J. Katz

Dated: November 1, 2005

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